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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/701,036

11/04/2003

Dragan P. Petrovic

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01/06/2006

EXAMINER

LARKIN, DANIEL SEAN

Patent Services Group  
Honeywell International, Inc.  
101 Columbia Road  
Morristown, NJ 07962

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/701,036	<b>Applicant(s)</b> PETROVIC ET AL.	
	<b>Examiner</b> Daniel S. Larkin	<b>Art Unit</b> 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 46-63 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 55-63 is/are allowed.
- 6) ☒ Claim(s) 46-48 is/are rejected.
- 7) ☐ Claim(s) 49-54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicants' arguments see page 8, lines 5-7, filed 13 December 2005, with respect to the rejection(s) of claim(s) 46-48 under US 5,502,308 (Wong) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 5,874,737 (Bytyn et al.).
  
2. Applicants' arguments see page 8, lines 16-26 through page 12, lines 1-27, filed 13 December 2005, with respect to claims 46 and 55 have been fully considered and are persuasive. The 112 1<sup>st</sup> paragraph rejections of claims 46-61 have been withdrawn. Applicants should, however, amend the specification to provide clarity to specification regarding the housing/gas sensor 18. Specifically, with regards to applicants' argument regarding claim 46, the applicants argue that the gas sensor (18) defines an internal sensing region with at least a first opening for an inflow of gas, however, reference numeral 18 and the term housing are not associated with a structure that performs this function. The specification recites seven instances in which reference numeral 18 appears within the specification, only one, i.e. the fifth occurrence, is the term "gas sensor" associated with reference numeral 18. All other occurrences of the numeral 18 refer to a housing. Given that applicants are relying on claim terminology that is not common to the specification, the examiner argues that greater attention to identifying the housing (18) as a gas sensor is needed.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 46-48 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,874,737 (Bytyn et al.).

With respect to the limitations of claim 46, the reference to Bytyn et al. discloses a gas analyzer (20), comprising: a housing (2); a gas sensor (21) carried by the housing (2), the sensor defining an internal sensing region, as shown in Figure 3, with at least a first opening (22) for an inflow of gas carrying fluid, col. 5, lines 22-29; and a first, metal condenser/mesh (14) with openings therethrough, the mesh is carried in the housing (2) adjacent to the sensor (21) with the first and second openings aligned for a fluid inflow from outside of the housing (2) into the sensing region, the inflow of fluid spreading through the sensing region by diffusion, col. 5, lines 26-29 and 42-44. With respect to the term “condenser”, the mesh (14) disclosed within Bytyn et al. performs the same function of the condenser as recited in the claim.

With respect to the limitations of claim 47, the reference to Bytyn et al. discloses a first filter (16) carried by a top cover (10) of the housing (2), the filter (16) overlaying at least some of the second openings in the condenser/mesh (14).

With respect to the limitation of claim 48, the reference to Bytyn et al. discloses, as shown in Figures 2a-2c, that the filter (16), the condenser/mesh (14), and the

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sensing region are arranged in a stacked relationship along a line corresponding to a direction of fluid flow, col. 5, lines 42-44.

***Allowable Subject Matter***

5. Claims 55-63 are allowed.
6. Claims 49-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art to US 5,879,631 (Wewers et al.) discloses a gas detection system comprising a gas detection sensor (2) having a perforated housing, two screens (24a, 24b) enclosing a first molecular sieve material (25) and a second molecular sieve material (27), and a gas sensing region (18a) located within the housing. The gas sensor (2) is placed within an enclosure (12).


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Larkin whose telephone number is 571-272-2198. The examiner can normally be reached on 8:00 AM - 5:00 PM Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Larkin  
AU 2856  
28 December 2005



**DANIEL S. LARKIN**  
**PRIMARY EXAMINER**